

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAMES J. DURHAM,	:	
	:	C.A. No.
Plaintiff,	:	
	:	
v.	:	
	:	Related to:
STAFF LT. ORLANDO DEJESUS, <i>et al.</i> ,	:	C.A. No. N22C-10-001 SKR
	:	
Defendants.	:	

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Defendants Staff Lt. Orlando DeJesus, Staff Lt. Robert Heishman, Warden Robert May, Stacy Hollis, Emanie Dorelus and Sgt. Kenya Boston-Clark (“State Defendants”), by and through undersigned counsel, hereby remove the above-captioned case to this Honorable Court and provides notice of same to Plaintiff James J. Durham (“Plaintiff”). In support of the removal, the State Defendants aver as follows:

1. Plaintiff’s Superior Court of the State of Delaware (“Superior Court”) Complaint (the “Complaint”) in the above-referenced matter was filed on or about October 4, 2022.
2. The Complaint was served on State Defendants on November 28, 2022. A copy of the materials that were served is attached hereto as Exhibit A. A copy of

the Superior Court Docket denoting service on State Defendants is attached as Exhibit B.

3. The above-described civil action is one in which this Honorable Court has original jurisdiction pursuant to 28 U.S.C. § 1333 inasmuch as Plaintiff seeks redress for alleged violations of his civil and constitutional rights and is accordingly one which may be removed to this Honorable Court pursuant to 28 U.S.C. § 1441, 28 U.S.C. § 1446 and 42 U.S.C. § 1983.

4. Concurrent with this filing, State Defendants are giving written notice of the filing of this Notice of Removal to the Prothonotary of the Superior Court and the Plaintiff, as required by 28 U.S.C. §1446(d), by filing a Notice of Filing of Notice of Removal with the Superior Court and serving a copy of the same upon all parties. Exhibit C is a true and correct copy of the Notice of Filing of Notice of Removal.

WHEREFORE, State Defendants pray that the above-referenced action now pending in the Superior Court of the State of Delaware be removed to this Honorable Court.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Sarah A. Fruehauf
Sarah A. Fruehauf (#5084)
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Date: December 19, 2022